



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 30, 2008

Robert L. Graham and John H. Davidson  
Jenner & Block LLP  
330 N. Wabash Avenue  
Chicago, IL 60611

Re: Request to extend comment period for the Hyperion Energy Project PSD permit

Dear Mr. Graham:

As per your request, the South Dakota Department of Environment and Natural Resources hereby grants the request from Save Union County, Citizens Opposed to Oil Pollution, and the Sierra Club to extend the public comment period on the draft Prevention of Significant Deterioration air quality pre-construction permit for the Hyperion Energy Center until November 14, 2008. Since we have had similar requests from others, this extension applies to all parties and the public.

We will public notice the extension of the comment period this week in the same newspapers that we originally published the public notice for the draft permit. A copy of this public notice is enclosed. In addition, we will place the notice of the extension on our website at <http://www.state.sd.us/denr/hyperion.htm> and send out a press release.

To ensure the department has adequate time to respond to everyone's comments within the 30-day time frame established in state rules, we ask that everyone submit their comments as soon as possible. To make sure there is no misunderstanding, the department must receive all comments in this office by close of business on November 14, 2008.

Because this draft permit may be contested, our attorney has requested that you pass all future requests from Save Union County, Citizens Opposed to Oil Pollution, and the Sierra Club's through her. Our attorney is Roxanne Giedd, Deputy Attorney General. She may be reached at 605-773-3215 or by email at [roxanne.giedd@state.sd.us](mailto:roxanne.giedd@state.sd.us).

Thank you for responding to our public notice and providing your comments thus far on the draft permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven M. Pirner', with a stylized flourish at the end.

Steven M. Pirner  
Secretary

Enclosure:

cc: Preston V. Phillips, Hyperion (w/o enclosure)  
Roxanne Giedd, Deputy Attorney General (w/o enclosure)  
Carol Rushin, Acting Regional Administrator, EPA Region 8 (w/o enclosure)